

**INSTRUCTIONS FOR SERVICE OF PROCESS
ON A FOREIGN DEFENDANT
PURSUANT TO FRCP 4(f)
AND THE FOREIGN SOVEREIGN IMMUNITIES ACT**

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Robin D. Tabora, Clerk
United States District Court
District of Connecticut
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141 Church Street
New Haven, CT 06510

915 Lafayette Blvd.
Bridgeport, CT 06604

450 Main Street
Hartford, CT 06103

I. PROCEDURES FOR SERVICE PURSUANT TO RULE 4(f)(2)(C)(ii)

For the office of the clerk to serve a defendant pursuant to Rule 4(f)(2)(C)(ii) of the Federal Rules of Civil Procedure, we require that you furnish us with the following for each case involved:

- A. A letter, addressed to the Clerk of Court, Robin D. Tabora, requesting that he serve specified documents pursuant to Rule 4(f)(2)(C)(ii) of the Federal Rules of Civil Procedure. Include in this letter both the name(s) and address(es) of the defendant(s) to be served.
- B. One set of papers for each defendant to be served and one copy of the summons, complaint, and set of papers being served on the defendant(s) for the Court file.
- C. One envelope,¹ addressed to each defendant with the clerk's office return address.
- D. A pink return receipt card (Postal Service Form #2865) made out to the defendant being served with the return address of the Clerk of Court. On the upper left hand corner of this card you must include both the case number and the judge's initials. [See example on page 8.]
- E. A white return receipt (Postal Service Form #3806) made out to the defendant being served with the return address of the clerk's office. [See example on page 9.]
- F. The correct postage must be on the envelope that covers the cost of postage, registration and return receipt fees. We do not accept cash, money orders or checks for this purpose. To obtain the exact amount of postage needed, counsel is required to weigh the envelope and based on Post Office requirements, affix the proper postage. If the amount of postage is insufficient, you will be contacted and the documents will be held in our office until counsel corrects the deficiency.
- G. All mailings will be taken to the post office by a member of the clerk's office. Papers submitted to the clerk's office for mailings must be brought in by no later than 3:00 p.m. the previous day.

¹Post Office will not accept the mailing labels for foreign mailing - it must be typed or written directly on the envelope.

- NOTE:
1. The Hague Convention places restrictions on which countries may be served under this provision. See page 3.
 2. Do not postage meter stamps.
 3. Do not seal envelopes
 4. Make sure there is glue on the pink return receipt (Postal Form 2865).

The clerk's office cannot accept for service pursuant to FRCP 4(f)(2)(C)(ii), any documents that are addressed to a defendant in certain countries that are parties to the HAGUE CONVENTION or in any of the countries which do not permit direct service by international mail:

CZECHOSLOVAKIA [2]
DENMARK [1]
EASTER BLOCK COUNTRIES [2]
EGYPT [1]
KUWAIT [2]
NORWAY [1]
RUSSIA [2]
SPAIN [2]
SWITZERLAND [2]
TURKEY [1]
GERMANY [1]

- [1] Defendants in these Hague Convention countries may be served by plaintiff's counsel who sends the documents, along with a completed USM-94 Form (available from the United States Marshal), to the designated central authority in the foreign country. On the USM-94 Form, make sure that an attorney in your firm who is admitted to the bar of this Court is listed as the APPLICANT (in the box) and as the REQUESTING AUTHORITY (on the reverse). Indicate that the attorney's authority to make this request is based on Connecticut state law (which is adopted in this Court) by which an attorney is an officer of the Court.

Unique requirements for particular countries (e.g., the need to have the documents translated in the country's language) can be obtained from the U.S. Marshal's Office.

- [2] Defendants in these countries must be served by sending the documents via diplomatic channels, i.e., through Letters Rogatory, which must be submitted to the clerk's office.

The complete text of the Hague Convention can be found in Martindale Hubbell (Volume VII) and immediately following Rule 4 of the Federal Rules of Civil Procedure (United States Code Annotated version). Additional information may be obtained from the State Department's Office of Special Consular Services in Washington, D.C.

II. PROCEDURES FOR SERVICE UPON A FOREIGN STATE OF POLITICAL SUBDIVISION PURSUANT TO THE FOREIGN SOVEREIGN IMMUNITIES ACT (DIRECT MAIL)

For the office of the clerk to serve an agency or instrumentality of a foreign state pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3), we require that you furnish us with the following for each case involved:

- A. A letter, addressed to the clerk of court, Robin D. Tabora, requesting that he serve specified documents pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3). Include in this letter both the name(s), title(s) and address(es) of the person(s) to be served.
- B. One complete set of papers in English and one in that country's official language for each defendant to be served and one copy of each of these documents for the court's file. You must also include a Notice of Suit (in both English and the country's official language) which must be prepared pursuant to 22 CFR § 93.2. A copy of these documents must also be tendered to the clerk's office along with the other papers mentioned in this paragraph.
- C. An affidavit from the translator stating his/her qualifications and that the translation is accurate for each defendant to be served and one for the court's file.
- D. One envelope,² sufficient to hold an entire set of papers for each defendant(s) to be served, with the return address of the clerk's office.
- E. A pink return receipt card (Postal Service Form #2865) made out to the defendant being served with the return address of the clerk of court. On the upper left hand corner of this card, you must include both the case number and the judge's initials. [See example on page 8.]
- F. A white return receipt (Postal Service Form #3806) made out to the defendant being served with the return address of the clerk's office. [See example on page 9.]
- G. The correct postage must be on the envelope that covers the cost of postage, registration and return receipt fees. We do not accept cash, money orders or checks for this purpose. To obtain the exact amount of postage needed, counsel is required to weigh the envelope and based on Post Office requirements, affix the proper postage. If the amount of postage is

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insufficient, you will be contacted and the documents will be held in our office until counsel corrects the deficiency.

- H. All mailings will be taken to the post office by a member of the clerk's office. Papers submitted to the clerk's office for mailings must be brought in by no later than 3:00 p.m. the previous day.

III. PROCEDURES FOR SERVICE UPON A FOREIGN STATE OF POLITICAL SUBDIVISION PURSUANT TO THE FOREIGN SOVEREIGN IMMUNITIES ACT (DIPLOMATIC CHANNELS VIA STATE DEPARTMENT)

For the office of the clerk to serve an agency or instrumentality of a foreign state pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(4), we require that you furnish us with the following for each case involved:

- A. A letter, addressed to the clerk of court, Robin D. Tabora, requesting that he serve specified documents pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(4). You must indicate what measures have been employed to effect service under (a)(1) - (3), e.g., that (a)(3) was attempted by the clerk's office on a specified date which was more than 30 days prior to this request and the return receipt has not been received by the clerk's office. Include in this letter both the name(s), title(s) and address(es) of the person(s) to be served.
- B. Two complete sets of paper in English and two in that country's official language for each defendant to be served and one copy of each of these documents for the court's file. You must also include two copies each, of the Notice of Suit (in both English and the country's official language) which must be prepared pursuant to 22 CFR § 93.2. A copy of these documents must also be tendered to the clerk's office along with the other papers mentioned in this paragraph.
- C. An affidavit from the translator stating his/her qualifications and that the translation is accurate for each defendant to be served and one for the court's file.
- D. One blank envelope sufficient to hold an entire set of papers for each defendant(s) to be served, which the clerk's office will address to the State Department in Washington and affix to the mailing envelope.
- E. A green return receipt card (Postal Form 3811) which the clerk's office will address. The return address should be made out to the clerk of court. On the upper left-hand corner of this card, include the case number and the judge's initials.

- F. A white return receipt (Postal Service Form #3800) made out to the defendant being served with the return address of the clerk's office. [See example on page 10.]
- G. The correct postage must be on the envelope that covers the cost of postage, registration and return receipt fees. We do not accept cash, money orders or checks for this purpose. To obtain the exact amount of postage needed, counsel is required to weigh the envelope and based on Post Office requirements, affix the proper postage. If the amount of postage is insufficient, you will be contacted and the documents will be held in our office until counsel corrects the deficiency.
- H. All mailings will be taken to the post office by a member of the clerk's office. Papers submitted to the clerk's office for mailings must be brought in by no later than 3:00 p.m. the previous day.

IV. PROCEDURES FOR SERVICE UPON AN AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE PURSUANT TO THE FOREIGN SOVEREIGN IMMUNITIES ACT

For the office of the clerk to serve an agency or instrumentality of a foreign state pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(b)(3)(B), we require that you furnish us with the following for each case involved:

- A. A letter, addressed to the clerk of court, Robin D. Tabora, requesting that he serve specified documents pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(b)(3)(B). Include in this letter both the name(s), title(s) and address(es) of the person(s) to be served.
- B. One complete set of papers in English and one in that country's official language for each defendant to be served and one copy of each of these documents for the court's file.
- C. An affidavit from the translator stating his/her qualifications and that the translation is accurate, for each defendant to be served and one for the court's file.

- D. One envelope,³ sufficient to hold an entire set of papers for each defendant(s) to be served, with the return address of the clerk's office.
- E. A pink return receipt card (Postal Service Form #2865) made out to the person being served with the return address of the clerk of court. On the upper left hand corner of this card, you must include both the case number and the judge's initials. [See example on page 8.]
- F. A white return receipt (Postal Service Form #3806) made out to the defendant being served with the return address of the clerk's office. [See example on page 9.]
- G. The correct postage must be on the envelope that covers the cost of postage, registration and return receipt fees. We do not accept cash, money orders or checks for this purpose. To obtain the exact amount of postage needed, counsel is required to weigh the envelope and based on Post Office requirements, affix the proper postage. If the amount of postage is insufficient, you will be contacted and the documents will be held in our office until counsel corrects the deficiency.
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